

## **REMARKS/ARGUMENTS**

Claims 1-12, 27, 28 and 38-43 remain in this application. Claims 1, 5, 7 and 41-43 have been amended. Claims 27 and 28 have been canceled. New claims 47-48 have been added. Claims 13-26, 29-37 and 44-46 have been withdrawn as a result of an earlier restriction requirement. In view of the examiner's earlier restriction requirement, applicant retains the right to present claims 13-26, 29-37 and 44-46 in a divisional application.

### **1. Rejections of Claims 5 and 28 under 35 U.S.C. §112**

The Examiner has rejected Claim 5 under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 5 has been amended to make clear that the perform is not being claimed. Accordingly, the 112 rejection should be withdrawn.

The Examiner has rejected Claim 28 as being unclear if the plurality of washers includes the washer in Claim 27, or if the plurality is in addition to the washer of Claim 27. Claims 27 and 28 have been canceled. The subject matter of claim 28 has been included in new claim 47 and is now clear as drafted. Accordingly, the 112 rejection should be withdrawn.

### **2. Rejections under §102(b) based on Tatsuo, Tsutomu and Ryoji**

The Examiner has rejected Claims 1-2, 5-6, 11-12, 38, 41 and 42 under 35 U.S.C. §102(b) as being anticipated by Tatsuo JP 02074533, Tsutomu JP 62162636, and Ryoji JP 04280830.

As to Claim 1, it has been amended to add the additional claim limitations regarding the structure of the assembly. In particular, in addition to the other claimed limitations, the combination of a top plate which is mounted on a terminal end of the muffle tube at the second end, and a washer mounted about the handle and covering a portion of the exit opening is now claimed.

As to Claim 41, it has also been amended to add additional limitations regarding the structure of the assembly. In particular, in addition to the other claimed limitations, the claim now includes the combination of a top plate mounted on a top of the muffle tube, and a washer mounted about the handle and in contact with the top plate and covering a portion of the exit opening.

As to Claim 42, it has also been amended to add additional limitations regarding the structure of the assembly. In particular, in addition to the other claimed limitations, the claim now includes the combination of a muffle tube, a top plate mounted on an end of the muffle tube, a flow shield configured such that a radial peripheral edge of the flow shield and a cylindrical inside surface of the muffle tube form a marginal gap having a width of between 2.5 and 25 mm to enable restriction of the gas; and a washer positioned

over the central opening, the handle extending through the washer wherein the washer inhibits air entry into the passage.

These claimed combinations are neither taught nor suggested by the cited prior art, either alone or in combination. Accordingly, the 102(b) rejections of claims 1, 41 and 42 should be withdrawn. Claims 2, 5-6, 11-12 and 38 are allowable for at least these reasons.

### **3. Rejections under §102(b) based on Taru**

The Examiner has rejected Claims 1, 3-4, 7-9, 27 and 43 under 35 U.S.C. §102(b) as being anticipated by Taru EP 1069086.

As amended, the rejections of claims 1, 3-4, 7-9, 27 based upon Taru EP 1069086 are overcome for at least these reasons given for claim 1 above.

As to Claim 43, the rejections based upon Taru EP 1069086 are overcome because Taru '086 does not teach or suggest a flow restrictor assembly comprising: a tubular muffle having an outlet opening; a top plate covering the outlet opening and at least one solid flow restrictor positioned over the passage having a hole of a second dimension formed therethrough; and a handle inserted through the passage and the hole, the handle adapted to suspend the preform wherein the first dimension is larger than the second dimension. Accordingly, the rejection of claim 43 should be withdrawn.

### **4. Rejections under §102(b) based on Janssen**

The Examiner has rejected Claims 1, 27 and 28 under 35 U.S.C. §102(b) as being anticipated by Janssen U.S. 4,477,274.

As amended, the rejections of claims 1 are traversed. In particular, Janssen does not teach or suggest a furnace assembly comprising: in combination a muffle tube; a top plate mounted on a terminal end of the muffle tube at the second end and an exit opening defined in the top plate; and a flow shield arranged and configured to restrict flow of the process gas from the first end to the second end of the furnace passage; and a washer mounted about the handle and covering a portion of the exit opening.

Accordingly, as now amended, the rejection of claim 1 should be withdrawn. Claims 27 and 28 are allowable for at least these reasons.

### **5. Claim Rejections under §103 based on Tatsuo, Tsutomu and Ryoji**

The Examiner has rejected Claims 3-4 and 39-40 under 35 U.S.C. §103(a) as being unpatentable over each of the following Tatsuo JP 02074533, Tsutomu JP 62162636, and Ryoji JP 04280830.

The rejection is traversed for at least the reasons given for claim 1 above.

#### **6. Claim Rejections under §103 based on Taru**

The Examiner has rejected Claim 10 under 35 U.S.C. §103(a) as being unpatentable over Taru EP 1069086.

The rejection is traversed for at least the reasons given for claim 1 above.

#### **7. New Claims**

New claim 47 is directed to a combination of the features of now amended claim 1 in combination with the features of canceled claim 28 with the "slidably" mounted aspect being deleted therefrom. Accordingly, claim 47 is allowable for at least the reasons given for claim 1, as amended.

New claim 48 is allowable for at least the reasons given for claim 41, as amended.

#### **8. Prior Art Not Relied Upon**

The prior art made of record and not relied upon is no more relevant than the prior art relied upon by Examiner. Accordingly, the claims are also believed allowable in view of the prior art not relied upon Examiner. In particular, Taru '592, Kaiser, Yoon, Saito, Klop and Orita, alone or in combination do not teach or suggest the invention, as now claimed.

#### **9. Conclusion**

Based upon the above amendments, remarks, and papers of records, applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

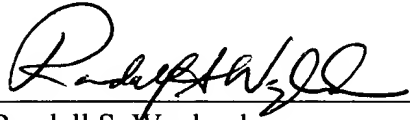
Applicant believes that no extension of time is necessary to make this Reply timely. Should applicant be in error, applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

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Please direct any questions or comments to Randall S. Wayland at 607-974-0463.

Respectfully submitted,

DATE: 5/20/04

A handwritten signature in black ink, appearing to read "Randall S. Wayland", written over a horizontal line.

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